

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

iBALL INSTRUMENTS, LLC,)
an Oklahoma limited liability company,)

Plaintiff,)

v.)

Case No. CIV-21-00778-JD

MYRON BUTLER; MARK ROBERT)
DAVIS; DAVID E. MOORE; TOC)
SOLUTIONS, INC., an Oklahoma)
corporation; TELECOMM)
CONSULTANTS, INC., an Oklahoma)
corporation; TOC RURAL)
SOLUTIONS, LLC, an Oklahoma)
limited liability company,)

Defendants.)

ORDER

On September 13, 2021, Defendants filed a Motion to Dismiss (“Motion”). [Doc. No. 16]. The Motion seeks dismissal of Plaintiff’s Complaint [Doc. No. 1] for various reasons, including failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). Without expressing any view on the merits of the Motion, the Court reminds Plaintiff of its opportunity to cure any purported pleading defects by filing an amended complaint in accordance with Federal Rule of Civil Procedure 15(a)(1)(B). If Plaintiff timely files an amended complaint, the Court will deny the Motion as moot. If Plaintiff does not timely file an amended complaint, Plaintiff may file a response to the Motion, and the Court will decide the Motion.

Prior to filing either a response to the Motion or an amended complaint, the Court

ORDERS counsel for Plaintiff to confer in good faith with counsel for the Defendants regarding the issues raised in the Motion.

IT IS SO ORDERED this 21st day of September 2021.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE